



**Testimony of Patti Miller
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**United States Senate
Committee on Appropriations
Subcommittees on Labor, Health and Human Services,
and Education and Related Agencies and
Financial Services and General Government
“Watch What You Eat: Food Marketing to Kids”
September 23, 2008**

Children Now thanks Senators Harkin, Specter, Durbin and Brownback for hosting this hearing today to address the influence of food marketing on children's health. It could not come at a more critical time.

Our nation's children are facing an unprecedented public health crisis. For the first time in modern history, we have a generation of children whose life expectancy may be lower than that of their parents.¹ The U.S. Surgeon General has identified overweight and obesity as "the fastest growing cause of disease and death in America."²

While a confluence of factors contribute to childhood obesity, advertising and marketing clearly are very significant ones. Children are exposed to tens of thousands of ads each year on television alone, the majority of which are for fast food, junk food and sugared cereals.³

In 2005, the Institute of Medicine released a report which found compelling evidence that television advertising influences the food and beverage preferences, purchase requests and consumption habits of children. The IOM recommended that the food industry voluntarily shift advertising and marketing targeted to kids to products and beverages that are lower in calories, fat, salt and added sugars and higher in nutrient content. If the industry was not able to achieve significant reform, the IOM recommended that Congress intervene.⁴

Children Now was hopeful that the industry—both the food/beverage companies and the media companies—would respond to the IOM's call to action. Yet more than two years have already passed and unfortunately, voluntary industry action has fallen considerably short of the goal.

Industry leaders assert that the Children's Food and Beverage Advertising Initiative, a voluntary self-regulatory program that includes 14 food and beverage companies, has sufficiently addressed the concerns about unhealthy food advertising to children. They tell advocates to give the Initiative a chance to work. Yet the Initiative is insufficient for three main reasons:

¹ S. Jay Olshansky, et al, "A Potential Decline in the Life Expectancy in the United States in the 21st Century," *New England Journal of Medicine*: 352: 11: 1138-1145.

² Richard H. Carmona, "The Obesity Crisis in America," Testimony of the United States Surgeon General before the Subcommittee on Education Reform, Committee on Education and the Workforce, United States House of Representatives, July 19, 2003. <http://www.surgeongeneral.gov/news/testimony/obesity07162003.html>.

³ Kaiser Family Foundation, *Food for Thought: Television Food Advertising to Children in the United States*, March 2007, <http://www.kff.org/entmedia/7618.cfm>.

⁴ Institute of Medicine, *Food Marketing to Children and Youth: Threat or Opportunity*, National Academy of Sciences Press, December 2005, http://books.nap.edu/openbook.php?record_id=11514&page=1.

1) The food/beverage companies participating in the Initiative say they will advertise “healthier products” to children—but the companies lack a uniform nutrition standard for defining healthy foods. This poses numerous problems. It will be confusing to parents. It creates situations where similar food products will be classified as “healthy” for kids by one company but will be considered “unhealthy” for kids by another company’s standards. This absence of a level playing field allows companies to maneuver both their product portfolios and their definitions of “better for you” food to best serve their own economic interests. **For the industry initiative to effectively address the concerns about childhood obesity, there must be a uniform nutrition standard for defining healthy foods that food/beverage companies adopt.**

2) Food/beverage companies have created a huge loophole that allows non-nutritious foods to be categorized as “better for you” for children. They take products loaded with added sugar and fat, and then label the item as “better for you” because it has a modest proportion of the unhealthy ingredients removed. It’s true that it is “better for you” to eat Fruit Loops or Cocoa Puffs with less sugar than the original formula with all of the added sugar. But it’s also true that these types of products remain non-nutritious and that regular consumption poses a risk of obesity. “Better for you” foods are not the same as “healthy” foods. **We must close the “better for you” food loophole and focus on the goal of shifting food and beverage advertising to children to actual healthy products.**

3) Media companies that deliver children’s programming are absent from any attempt to solve this problem. They refuse to take the necessary steps to reduce unhealthy food advertising to children. They simply point toward the food and beverage companies, hoping they will fix it. Yet without the participation of media companies, another loophole is created. Food/beverage companies that do not participate in the industry initiative will be allowed to continue to advertise junk food to children. That’s hardly a solution to the problem. **Media companies must play a critical gatekeeper role by monitoring their advertising environments to ensure that unhealthy food advertising is significantly reduced, while advertising for healthy food products is enhanced.**

Because there is no uniform nutrition standard;

Because unhealthy products creatively labeled as “better for you” are being passed off as healthy food for children;

And because the media companies refuse to play a role in protecting children from the advertising of unhealthy food products, all of the public health and child advocacy groups involved with the Joint Senate/FCC Task Force have refused to accept the industry initiative as a viable solution to the problem we face here.

Children Now believes that media companies (both broadcast and cable) should be required to devote either equivalent time or a majority of their total advertising time for the promotion of healthy and nutritious food products, as judged by basic scientific standards. To accomplish this, Congress should:

- 1) Adopt legislation mandating that at least 50% of all food advertising to children on broadcast and cable television programming be devoted to healthy food products;
- 2) Delegate to an appropriate agency or agencies the task of devising criteria for a uniform nutrition standard that would identify healthy, nutritious foods.

It is essential that we intervene on behalf of the nation's children. Industry is privileging their profits over the health and nutrition concerns of the nation's children. The stakes are too high to sell children's needs short.

Thank you Senators Harkin, Brownback, Durbin and Specter for your leadership on this issue. We look forward to working with you to improve the health and well-being of our nation's children.